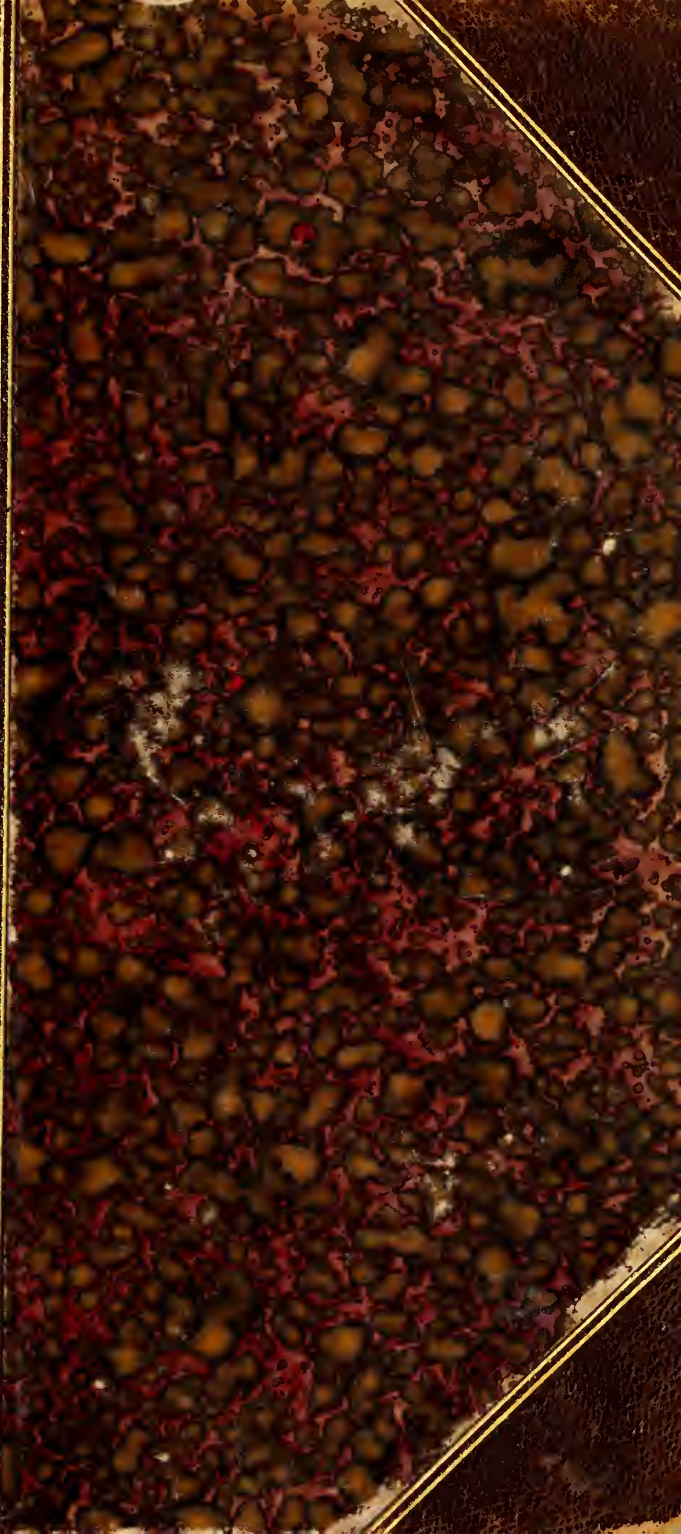


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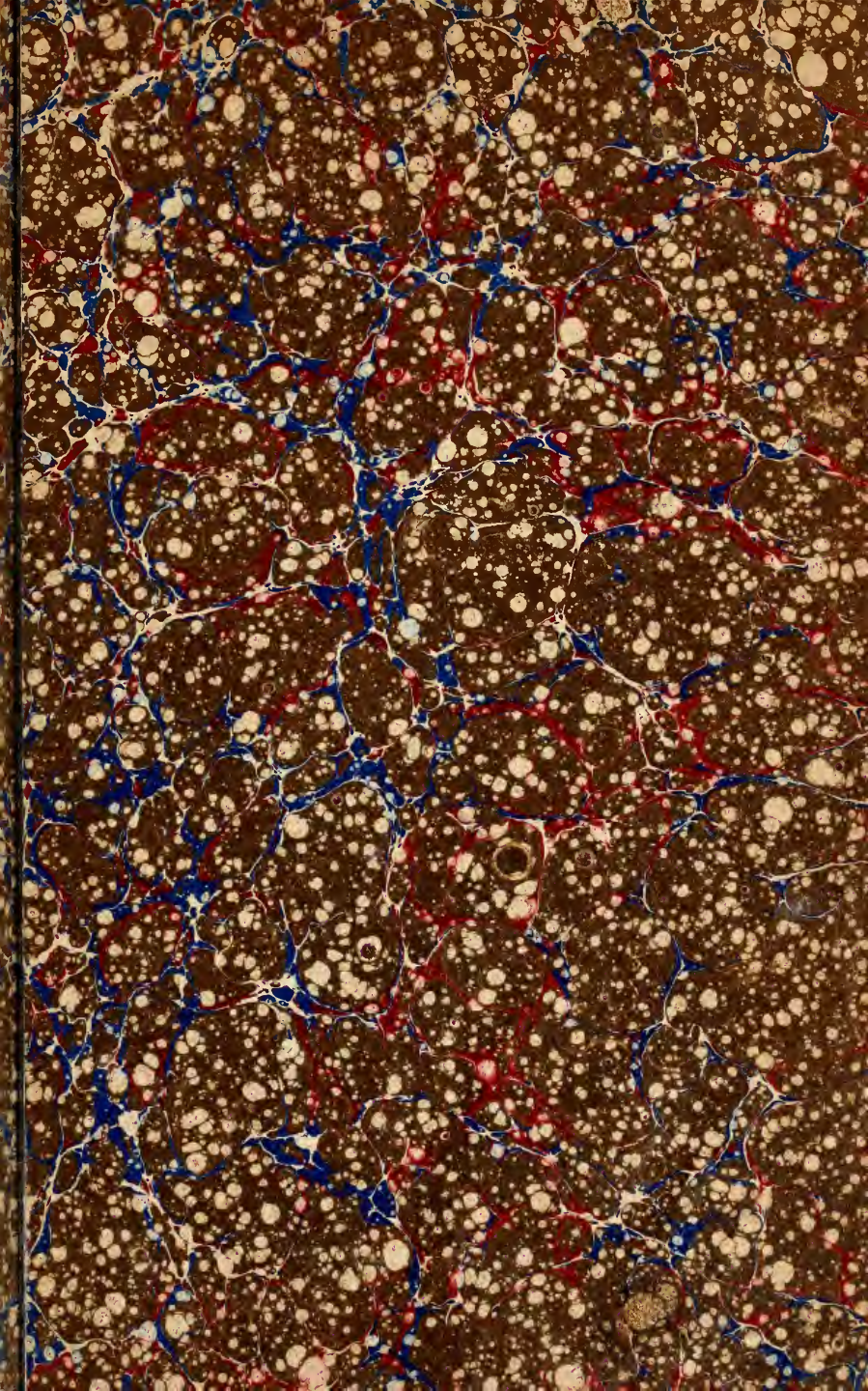
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UNITED STATES OF AMERICA.

















TO

CHANDLER PRICE,

CHAIRMAN,

JACOB HOLGATE AND HENRY HORN,

SECRETARIES

OF THE

COMMITTEE OF SUPERINTENDENCE AND VIGILANCE,

FOR THE

CITY AND COUNTY OF PHILADELPHIA.

IN REPLY

TO

JONATHAN ROBERTS, ESQ.

BY JOHN H. EATON, Esq.

OF THE UNITED STATES SENATE.

PHILADELPHIA:

1826

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*To Chandler Price, Chairman, Jacob Holgate and Henry Horn,  
Secretaries of the Committee of Superintendence and Vigilance, for  
the City and County of Philadelphia.*

The address lately presented by you to the public in favour of the election of Andrew Jackson, has awakened the attention of Mr. Jonathan Roberts of your state. He has ventured to present a reply, and by way of producing a stronger effect, has accompanied his remarks with his name. My object in addressing you, is to afford further explanation and greater certainty to the statements submitted by him, and to show, as I expect to do, most conclusively, that his entire production, must be, and in fact is, the result of a deeply prejudiced mind; for the reason, that in it there is nothing of truth. In such an undertaking it is but an act of justice to Mr. Roberts, that he should have my name, as well as my remarks; and therefore are both presented, with permission for you to use them after whatever manner your discretion may dictate to be right.

As early as the year 1819, while the famous Seminole campaign question was pending at the city of Washington, Mr. Roberts was found the earnest opponent of General Jackson, hurried to his conclusions then, through the same false reasoning by which he has been carried to the results he has arrived at in his late publication. I speak the things that I do know! At that period of his political history, a circumstance that cannot but appear strange, he was, and since has continued to be, the warm friend of Mr. Monroe, who was then President. Then was he not ignorant, that as well by previous acts, as by declarations repeatedly made, the President constantly maintained, that he desired no line of separation, or reference to affairs in Florida, to be drawn between himself and Andrew Jackson. But more than this was known! It was known to him, nor can it here be forgotten, that the Secretary of State, Mr. Adams, in an official dispatch to our Minister at Madrid, and which was laid before Congress, had proceeded to an elaborate defence of every step which the Commanding General had taken, and of every act he had performed during the prosecution of that war: acts, every one of which, was by the representatives of the nation in Congress, maintained, justified and defended.

These things I allege were familiar to Mr. Roberts in 1819, nor can the recollection of them have faded from his memory now. Yet notwithstanding, his inventive mind was so far enabled to adopt distinctions, as to continue, all that time, the political advo-

cate and friend of President Monroe, and subsequently of President Adams, whilst against Jackson, whom both of them sustained, his mind has rankled from that to the present moment. If Jackson was guilty of error in consequence of entering the territory of Florida,—for seizing on the posts of St. Marks and Pensacola; or what perhaps is more properly “the head and front of his offending” for the execution of Ambrister and Arbuthnot, those English emissaries, who had excited the Savages to the butchery and murder of our border settlers, then have Mr. Monroe and Mr. Adams fallen into precisely the same error, inasmuch as his acts were defended, and his course sustained by both these gentlemen. It is a fair consequence that the guilt of one, is the guilt of the others. Strange inconsistency then, that this Seminole affair should have festered on his imagination for seven years; and that while Mr. Roberts finds nothing, in the vials of his wrath, too severe to be poured upon the head of Jackson, his mildest unction is ready to be bestowed on Mr. Adams who defended all that was done. I am indeed unable to scan the operation of the mind, if this circumstance, apart from others and strong ones, which will be adduced, tends not to prove that some lingering prejudice has controlled the operation of his judgment; and that nothing of generous sentiment, and patriotic feeling had an influence in the course deemed proper by him to be pursued.

There is another circumstance calculated to show the prejudice of the mind, and the disposition that must have been entertained by Mr. Roberts, to distort and pervert the meaning of things. Addressing himself to the Committee, he remarks: “The intelligence of your candidate is certainly not pre-eminent, when his biographer claims merit for him for having retired from inferior stations, to make way for those who could be more useful: he resigned every *civil* station he ever held.”

There is more intended here, that at the first glance meets the mind. It is intended, that he resigned *civil*, never *military* appointments; and that he resigned them too from an admitted inability to perform the duties assigned; which to him is evidence conclusive, that the people should forbear to think of him for President of the United States. His Biographer is referred to, to prove the averment true.

How far Mr. Roberts has given a candid exposition, or such as he hoped would better tend to beguile or deceive, may be ascertained by reference to the Book itself, whence he pretends to have formed his opinions. The language is this. “Becoming tired of political life, for the intrigues of which he declared himself unqualified, and having for two years voted in the minority in Congress [1797–98] he resigned after the first session his seat



in the Senate.\* To this measure he was strongly induced, from a desire to make way for General Smith, who he conjectured in that capacity, would be able to render more important services to the government than himself. Immediately after his resignation he was appointed one of the judges of the Supreme Court of the State. Sensibly alive to the difficult duties of the station, distrusting his legal acquirements, and impressed with the great injury he might produce to suitors, by erroneous decisions, he advanced to the office with reluctance, and in a short time resigned, leaving it open to those who he believed were better qualified than himself to discharge its intricate and important duties. Unambitious of those distinctions and honours, which young men are usually proud to possess, finding too that his circumstances were not such as to permit his time and attention to be devoted to public matters, he determined to yield them into other hands, and to devote himself to agricultural pursuits." Such is the extract referred to, and such the materials seized upon by Mr. Roberts to show Jackson's want of qualification. This modesty and distrust of mind which ever in early life, has been considered the sure presage of talent and promise, is made a ground of reliance, to prove the want of merit. If this be argument, it is indeed a novel species of it. And yet it is argued that "his intelligence is certainly not pre-eminent." And why? simply because at the *age of thirty* he declined two offices of high and important character: offices which seldom or never are conferred on persons at so early a period of life; and to one of which, none are by the constitution eligible until they attain to the age of thirty. It is very true that General Jackson has resigned every civil office he ever held; and if this be crime, there is at least one piece of good fortune attending it—it lies at the door of but few, very few of her distinguished men: it is an example which few others, not even Mr. Roberts can say, has been followed closely.

Jackson was appointed minister to Mexico, which, with an acceptance of the appointment for one year only, would have placed in his possession at least \$20,000. He declined it, which proves at least that he was neither sordidly disposed, nor yet a seeker after office. The reason of his refusal, though, as given by himself, that he would not aid by his presence the cause of an usurper [Iturbide] who had seized upon the government, places him on even higher, and more praise-worthy ground. Twice has he vacated his seat in the Senate of the United States; and had Mr. Roberts been able to procure a thorough examina-

\* Tennessee was admitted into the Union in 1796. Jackson was elected the first representative for the state, was subsequently transferred to the senate; and in 1798 resigned his appointment.

tion of that part of the President's secret bureau, whence was obtained his private confidential correspondence relative to the Cabinet appointments, in 1817, it might have been ascertained, that he had declined even military, as well as civil trusts—that he declined under Mr. Monroe the appointment of Secretary of War. It will not surely be urged, that this is another evidence that “*his intelligence is not pre-eminent* ;” because even his enemies concede to him “some grace” in military matters. There is likewise another part of secret untold history, which a close examination might have discovered, that he was desirous of retiring from the army, and of surrendering his commission of Major General, and was restrained from doing so, through the request of one who shared his friendship, and whose administration then nearly closed, he was desirous of aiding and supporting. His country freed from war, he was not solicitous of retaining even the rank and office of “Military Chieftain,” so often objected against him as a favourite hobby and pursuit.

But what more did he do in his objectionable career of retiring from office—from public to private life? He resigned the office of Governor of Florida, the salary of which was equal to that of the Vice President of the United States, while the powers appurtenant to the office by the act of Congress, were even greater than those which, by the constitution of this country, the President himself could exercise. Whatever of authority could be claimed by the Captain General of Cuba was conceded to Jackson—an authority in which every right of sovereignty, civil and military, executive and judicial, were combined and centered. Yet even this office, of sufficient importance certainly for any want, if ambition influenced him, he retained no longer than the country was received and the government organised. These done, he surrendered the office, having declared previously that the powers which were attached to it were such as should be yielded into the hands of none. The language employed by him is this : “*I am clothed with powers which no one under a Republic ought to possess, and which I trust will never again be given to any man.*” Ambition should be made of sterner stuff than this. And he who with such circumstances and information standing before him, can yet impute ambition and selfishness, must either be regardless of assertion, or else directed by personal dislike and prejudice. If Mr. Roberts does not admire the character of Gen. Jackson, or entertains towards him any thing of animosity, no matter whether well or ill founded, that is his, not the business of others. Or if, indeed, he cannot reconcile to himself the idea that he should be the President of this Union, but prefers another, it is a right which he with every other man possesses. It is a birth-right, an indulgence for which our fathers fought, and

for which Jackson himself has in two wars contended. For the exercise, frankly, of this privilege, none will, because none has a right to complain. The exception as it relates to Mr. Roberts consists in this, that well knowing the facts and circumstances about which he wrote, or being ignorant of them, should have been silent, he has proclaimed as true, those things which are altogether the reverse of truth; and this assertion I shall maintain and prove, to the satisfaction of the most incredulous; to the satisfaction of those, prejudiced even to the extent that he himself is prejudiced. Unlike him, I am no volunteer in this controversy. I am doing that only, which, under such circumstances, would become the duty of any and every one, seeking, because of information possessed, to ward off the effect of imputation from one whose name and reputation, so far from being assailed, ought to be considered national stock, the property of the country.

It certainly should not be supposed, that a gentleman of Mr. Roberts's character would attach his signature to any inaccurate statement; nor should it be held a reasonable presumption, that in volunteering himself against a man of Jackson's merited standing, he would indulge opinions in reference to any matter, which his mind had not accurately scanned, and particularly examined. Yet that the fact is otherwise, will be clearly shown. Anonymous writers can claim larger scope and greater license, because responsibility for the accuracy of statements is not felt. But when a gentleman appears before the public, and by the sanction which a respectable name affords, attempts to sustain his averments, respect for himself, and what is of no less importance, a regard for truth, should admonish him to be at least accurate and particular in his facts. Assertion is easy to be made; there is no difficulty in the effort; but to assert is one thing, to prove the assertion true, another, and a different one.

And here I admit myself to be the friend and advocate of Gen. Jackson, and of his election; and if this admission shall be of any service in throwing around the statements I shall offer, aught of suspicion or doubt, those who, from such a cause, shall be disposed to question them, are welcome, quite welcome, to all the benefit the concession may afford. I have known him long; and if vanity will pardon the assertion, may add, I have known him intimately and well. It is this that has induced me to admire the man, and to desire that he should be placed at the helm of this country's affairs. Nor is the preference thus produced, the result of any motives of person, as appertaining to himself: they flow from a higher source, and from a more praiseworthy consideration. They flow from a desire to see that man in the management of our affairs, whose plain habits, republican fitness.

untiring vigilance, proverbial firmness, and devotion to the cause and interest of his country in times of greatest peril, place him on higher ground than any other man living; and induce a belief, that more than any other, he is calculated to inspire confidence through our land, and to restore good feelings. Entertaining these sentiments, which are addressed from acquaintance, a knowledge of the man, it will ever afford me pleasure, when possessed of the means of doing so, to repel any erroneous imputations that may be urged to his prejudice.

In this burnished essay of Mr. Roberts, censure, with an illiberal and unsparing hand, is bestowed upon Jackson, while cheerfully the writer seems to lend himself the eulogist of the President and of Mr. Clay. Taste cannot be questioned! With neither of these gentlemen, in the inquiry submitted for examination, have I any thing to do; against them nothing to urge. Jackson requires not to be sustained on the defamation or abuse of any. If his merits be incompetent to the end, then let him fail. Defeated upon this ground, consolation and pride will be left, while to be successful through the example set by Mr. Roberts, the abuse and traducement of others, would be inglorious.

My object is to meet the presented essays, *this uncalled-for volunteer*, so far only as it relates to him whom it was intended to denounce, not those whom it was designed to commend: yet it cannot but appear strange and inconsistent too, that, while the writer, with unbecoming freedom, deals harshly in expression against Jackson, he should at the same time manifest for the President, and his particular friend, so great feeling, as to threaten the possibility that "they may call you (the committee) to the proof of what you assert against them." He should have borne in mind, that at present this country is without the benefit of a sedition law; and that even if it were not, he yet might have recollected, that under it, the truth could be given in evidence; a provision which would throw around the Philadelphia committee a shield and a protection, which in vain might be resorted to in defence of any thing contained in the reply presented by him to the consideration of the public.

The charges and inductions of the writer, as to want of merit, temper, passion, military chieftain, "with aw that and aw that," need not be attended to: they do not deserve attention. All these things being matter of opinion and private thought, and they are nothing more or less, have, over and over again, from former pens, been submitted to the consideration of the people of this country, with precisely the effect they merited, to wit, none at all!! If the wielding to happiest success, a suffering, and consequently dispirited army, composed almost exclusively of citizen soldiers: if the drawing together the most incongruous



materials that ever did compose an army, and rendering them effective against disciplined and well-trained troops, be not one of the highest evidences of genius and talents, then is the mind without any thing to indicate its fitness and strength, its capacity for exertion. To be informed upon any one subject, affords no evidence of mental strength and power; nor furnishes the means of determining upon capacity, except in reference to the particular matter itself; and for the reason, that the information possessed may alone proceed from application to that particular matter. But when an individual is found a gallant young soldier at fifteen years of age; a lawyer of respectability and promise at twenty-two; a judge of the Supreme Court in his State, respected and confided in; a senator in Congress, listened to and regarded with attention; (his first appointment of senator being before he was thirty-one, immediately that he was eligible;) filling, indeed, every office he ever held, to the entire satisfaction of those who had conferred it on him; and when, lastly, he is found in the field and in the forest, at the head of an army created by himself, contending successfully, with brave enemies, and through means only which his own inventive mind could supply: when this picture is looked to, incredulity even is compelled to recognise in it, not merely the evidences of genius and mind, but of serious reflection, sound thought, strength of investigation, and accuracy of conclusion.

These things show an implicit popular confidence reposed on the part of Jackson's merit; a devotion to his country and to her interests, and a well-founded claim to her gratitude in return, certainly not to abuse and insult. How strange, under all the circumstances, that censure should sedulously be hunted after to be urged against him: and stranger still, that it should proceed from one, who, having shared liberally of that same country, ought unquestionably to be able to judge more dispassionately, and certainly with greater candor and accuracy. In despite though of these considerations, and opposing proofs, Mr. Roberts, of whose military knowledge and prowess none has ever heard, claims a right to decide; nay, does decide, that Jackson "is of military growth entirely," and that nature must change before a nation's peace could be secure in the hands of such a man. Then, because he has been a faithful and successful General, he is to be excluded, for this is the amount of the argument. In virtue of the principles on which our government is based, by any and every one, may any and every office in it be aspired to; a gallant and successful defender of the country, alone, excepted. That general, who meets the enemy and is vanquished—who at every step finds disaster and disgrace, may avoid thereby the epithet of "military chieftain," and be esteemed worthy to be

confided in; but he who spends toilsome days and sleepless nights; who guards with caution the safety and lives of his troops, brings them off victorious from every field of battle, and at last, by high and daring effort, gives lustre and deliverance to his country, is to stand where no other citizen does, proscribed from office. If such shall ever become the established doctrine in this country, in some future war, when desolation and ruin and subjugation threaten, we may have cause for repentance. For who will march, and risk his life for the defence of his country when her deliverance and safety effected, through his valor, "*a common virtue amongst men*," that shall be relied on to place him on the list of proscribed citizens, to exclude him from that road to honor and office, in which all others have a right to move. Not only is the doctrine ridiculous, but it is dangerous, much more dangerous to the liberties of this country than any "military chieftain" ever can be; and incalculably great will be its mischiefs, if any sanction from the people shall ever give it currency.

I come now to a consideration of that part of Mr. Roberts's address which contains charges against the standing and character of General Jackson, with the reasons which have induced him to stand forth in opposition. They are wholesome and good, were they only true. If he is not under the government of prejudice, if he shall be disposed to make reason and fact and fair inference, the touchstone between us, then shall I not distrust my ability to make even a convert of himself.

The first subject which presents itself for consideration, is the disrespect manifested by General Jackson for the laws of the Country at New Orleans, and which consequently "*drew upon him a heavy fine properly imposed*." Such is the language of Mr. Jonathan Roberts, who has been always considered as attached to the Republican School of that state, whose opinions on the Presidential election; he would now gladly control and alter. If the presented charge be true, I readily concede it shall have weight. If Andrew Jackson when clothed with authority, outraged the laws of the Country, and from mere wantonness trampled under foot the liberty of the citizens, then freely as any other, shall I impute to him, not rashness merely, but a want of good sense and judgment besides, and shall not hesitate to unite with any party, to stay his advance to office. But if on the other hand, the charge shall be found misconceived—without any authority whatever by which to sustain it, then will it be proper to require of those who have urged it, as a prominent ground of objection, to make a surrender of the opinions they have so erroneously entertained, and at the shrine of truth and justice, to yield their opposition.

After all that has been said in reference to the declaration of Martial law at New Orleans, I had not supposed that there was an intelligent man in the Country, who, although he might by the rigid rules of strict construction conceive it to be error, would not admit at the same time the strong, the great necessity there was for its adoption. None has ever pretended that it was not a departure from the strict principles of the constitution. Jackson himself never urged a different opinion, or indeed entertained any different one. He never pretended to any thing beyond a justification of the act, on the ground of extreme—of urgent necessity; a necessity which held in doubtful poise, whether the constitution should be partially departed from, or the invaders of his country prove successful. It was one of those strong and imposing pleas, which controlled by no rule, rises superior to all law; and which not unfrequently excuses the hand that reeks itself, even in a brother's blood.

Let it not be replied, that I am an advocate for individuals in power, to claim any departure from the constitution, which their sense of right may hold to be proper, and then to urge some seeming necessity as a defence. I press no such broad and general principle. I argue on the facts of the case only which are now before me, and maintain that language, which hundreds—nay thousands before have held, that, situated as Jackson was at New Orleans, he ought not to have cleaved to the constitution, and lost the Country. One or the other was unavoidable—not to be prevented. They were mighty evils presenting themselves to the view; a choice of one or the other was necessary to be made, and promptly, and without hesitation, he decided on that which he would adopt—on the course he would pursue. If by the tax police of his camp, spies could have ascertained and communicated to the enemy his situation—the strength of his army, and the varied materials that composed it, who cannot perceive the advantages that such information would have afforded; and although the city in the end, might have been preserved, yet what an immense destruction of our troops might too, have been consequent on the result. But agreeably to the theory and opinion of Mr. Roberts, the adopted course was wrong; it would by his standard, have been better, even that our brave soldiers should have perished on the memorable plains of New Orleans, than that the civil rights of the citizens should have been disturbed. Away with such beliefs! They are too refined—too ætherial! They are such, as should they ever become fashionable, may in some after times of peril, prove the destruction of the liberty of this Country. I would that every ministerial agent—aye and *executive* one too, should look to the constitution, not merely with respect and regard, but with reverence and awe, yet

when invasion threatened angrily, and the lives of our citizens are at peril, I should not hesitate to condemn him, who would pause an instant between "want of respect for the laws and a heavy fine" or the safety of those whom he defended. Like the Mariner, in pressing to his destined port, through aid of some well known *light*, I would that in pleasant weather he should mark every bearing, and with rigid caution observe every thing of course, of distance, and of point; yet should a storm arise, and threaten to dash his vessel amidst the rocks, and breakers, putting the helm down to whatever haven promised safety and deliverance from the danger, I would he should seek to gain it, regardless of the olden tract which pilots and well established rules had directed. To determine by a smooth sea, what things may be necessary in a perilous storm, is most absurd. As well might a man in moment of cool reflection, decide what he would do, when directed by a violence of passion, which his judgment was incompetent to control. The calculating statesman in his closet, now that all is ended, can nothing know of the uneasiness, the disquietude and trouble—the danger which every where hung upon the invasion of Orleans; and still less can any accurate estimate be made of them, by that man, whose mind may be infected by bitter prejudice.

Of the difficulties that surrounded the commanding general, and the promptness with which he met the emergencies of that eventful period, much heretofore has been advanced, although its diffusion has been too limited, to prevent even at this day perverted and garbled accounts from obtaining currency and circulation. By some they have been misconceived through want of all the attendant facts; while others have been influenced from motive and design—from a disposition to deceive Mr. Roberts is of the latter description; and in saying so, I feel that I am hazarding nothing, at least, as regards the *probable proof*. He came into the Senate, a member, March, 1815, directly after the war had closed, and when every newspaper, teemed with official information as to events which had just passed. It is by no means then a reasonable inference that he could remain in ignorance of those leading facts in the history of his country. Such an inference would be to him, as unreasonable, as it would be disrespectful to his intelligence. Was he ignorant of them? He should have refrained from writing! Did he possess an intimate knowledge? Still worse, then has he practised perversion. He must, he did know all the circumstances, then is he highly culpable for ascribing that course to a want of "*respect for the laws*," which was imposed by a necessity as strong as ever operated upon the feelings and judgment of any man.

That the constitution was preserved entire, and unmolested,



none has ever maintained. With this admission, let the circumstances and the danger which hung around that eventful period of our history be looked to, and then, be the decision pronounced, if propriety did not rather sanction, then oppose the course pursued. The danger over, and the enemy gone, Jackson was on an attachment issued by the Judge, arraigned before the court, and a fine of \$1000 imposed, because of the declaration of martial law. To that decision he yielded without a murmur, and paid the fine assessed against him, without complaint. To determine, under what circumstances of pressing necessity, the civil authorities had been suspended, can be better understood by reference to what transpired at the time. Let the answer submitted by General Jackson to the court, in opposition to the attachment, and in defence of the course he had taken, be referred to, and while it portrays in lively, the accurate colours, his own and the situation of the country, it shows also, that the posture of affairs there, were critical, difficult and dangerous. The language he employed as having induced him to the declaration, is this.

“A disciplined and powerful army was on our coast, commanded by officers of tried valor, and consummate skill: their fleet had already destroyed the feeble defence on which alone we could rely to prevent their landing on our shores. Their point of attack was uncertain;—a hundred inlets were to be guarded, by a force not sufficient in number for one. We had no lines of defence. Treason lurked amongst us, and only waited the moment of expected defeat, to show itself openly. Our men were few, and of those few not all were armed. Our prospect of aid and supply were distant and uncertain; our utter ruin, if we failed, at hand and inevitable: every thing depended on the prompt and energetic use of the means we possessed,—on calling the whole force of the community into action. It was a contest for the existence of the State, and every nerve was to be strained in its defence. No delay,—no hesitation,—no enquiring about rights, *or all was lost*; and every thing dear to man, his property, life, the honour of his family, his country, its constitution and laws were swept away by the avowed principles, the open practice of the enemy, with whom we had to contend. Fortifications were to be erected, supplies procured, arms sought for, requisitions made, the emissaries of the enemy watched, lurking treason overawed, insubordination punished, and the contagion of cowardly example to be stopped.”

“In this crisis, and under a fair persuasion that none of those objects could be effected by the exercise of the ordinary powers confided,—under a solemn conviction that the country committed to his care, could be saved by that measure only from utter ruin,

—under a religious belief that he was performing the most important and sacred duty, he proclaimed martial law. He thought at such a moment *constitutional forms* must be surrendered for the permanent *preservation of constitutional rights*; and that there could be no question whether it were best to depart for a moment from the enjoyments of our dearest privileges or have them wrested from us forever. He well knew if the civil magistrate were permitted to exercise their usual functions, none of the measures necessary to avert the awful fate that threatened us, could be expected," &c. &c. &c.

From this picture drawn as every actor of that period well knows, with fidelity and accuracy, let the intelligent mind determine if the ancient maxim, that laws must be departed from in war, even had circumstances presented, to warrant more strongly the exercise and application of the rule.

At this period of the enquiry then, for reasons already submitted, we have the civil authority superceded, and in its place, the laws of war established. Any person who before had not heard of this affair, might now naturally begin to enquire, what, and how many, were the acts of oppression and tyranny, to which the rule gave birth; for it cannot but appear a matter of surprise, if upon a subject so frequently spoken of, and written about clamorously and angrily, it shall on examination turn out, that under its provisions and operations, no act of oppression or injustice was witnessed. It is for Mr. Roberts then to disclose the mighty sequel, and to declare amidst the difficulties and dangers of that period, and the thousands who were subjected to the operation of this martial law declaration, how vast the number was that fell under its denunciations, or that in consequence of it felt the stroke of oppression. Fearful of trusting to his candor, I will answer for him. A member of the legislature was arrested and tried for the offence with which he stood charged, and was acquitted. What the nature of the offence was, and how, and wherefore he came to be discharged, may be found in the *Life of Jackson*, last edition, and in these words:

"Louillier was detained under guard, and brought before a court martial, of which General Gaines was President. For the reason, however, that the inflammatory and mutinous publication which had occasioned his arrest, could not be shown to have been conveyed to the enemy, he was acquitted: *the quo animo* being from this circumstance in the proof not sufficiently apparent."

Under the operation of this martial law too, Judge Hall was arrested, but he was neither tried, nor imprisoned. He was merely sent beyond the line of encampment, to that point of safety, where all along he had reposed, during the time the enc-

my remained before the city, with this order signed by Jackson, and directed to be placed in his possession. "I have thought proper to send you beyond the limits of my encampment, to prevent a repetition of the improper conduct with which you have been charged. You will remain without the line of my sentinels until the ratification of peace is regularly announced, or until the British shall have left the Southern Coast."

Here is a concise and accurate outline of this often decried war measure, and of those acts which under it took place. A member of the legislature, the author of a violent and inflammatory publication, which introduced mutiny into the army, and caused many to abandon their posts and their duty, is arrested, put upon his trial, and acquitted; while a Judge of the United States Court in that district, for an attempt to arrest the law in its penalty, is politely required to retire beyond the line of encampment; not to punish, but in the language of the order, to "prevent a repetition of improper conduct." The Judge himself, under the same plea of necessity, had omitted to hold the term of his court: for the same reason he had consented to have discharged men, who were "indicted for capital crimes, without bail and without recognizance;" and had, moreover, during the siege, retired twelve miles beyond the city. When the enemy departed, Judge Hall returned. Then it was, that, interposing his civil functions, in behalf of one who had by his publications, sown disaffection in the army, he was ordered to retire to the place at which he had previously reposed, and to remain without the line of sentinels. These are the only two cases to which this martial law measure gave birth, and about which such clamor has been raised, and such censure and reproach heaped upon the head of Jackson. Under its provisions none were oppressed, none injured. And if they had been, sufficient reparation would have been found in this, that by it the country was protected and saved from pillage, rapine, and plunder.

This is the narrative, and this the great disrespect for the laws, to which Mr. Roberts in his publication adverted. Is there any thing more? Yes! So soon as the enemy had retired, and peace been proclaimed, the Judge caused Jackson to appear before him for a contempt, and subjected him to a fine of \$1000. The privilege of being heard by himself or counsel, was denied him. It might be inferred that a rash man, such as Jackson is so frequently represented to be—one who, according to Mr. Roberts's account, manifested such disrespect to the laws, would have gotten somewhat out of temper, at being refused permission to be heard in his defence; and moreover being at the head of an army, flushed with victory, that he might have altogether disregarded the Judge and his mandate. It was surely an ample

field for disregard and want of respect for both the law and its ministers, if such had been his proneness. Then, nothing of the imagery of office, actual or in expectancy, was before him, to control the natural tendency of feelings. He was simply Gen. Jackson, the defender of his country, and the restorer of that honour, which before had been lost to her. Yet, when this judicial examination was in progress, and when the clamors of the crowd became so great, as to awaken the fears of the Judge, and to induce an order from him to the Marshal, to adjourn the court, what was then the conduct of this man esteemed so passionate and rash? Addressing the bench, he expressed a desire that his order might be withdrawn, and the business before him brought to a close; and then said, "there is no danger here; there shall be none. The same arm that protected from outrage this city, against the invaders of the country, *will shield and protect this court, or perish in the effort.*" The effect of this declaration was to tranquilize the feelings of the Judge, and the trial proceeded.

When the prosecution had ended, in consequence of the manner of its termination, passion in its most angry form arose, threatening violence to that authority, which had acted with severity against him who had emphatically been styled the deliverer of the country. What did he do? Did he seek to excite and to encourage those feelings of resentment, which were fast swelling in every bosom? Far from it! So fearful was he of the consequences to which the excitement might tend, that amidst the tumult he arose, and addressing himself to the crowd, by that means arrested the impending danger. Here is the language which on that occasion he employed. Let Mr. Roberts decide, if it prove what he has asserted, a disrespect for the laws. From the court room he was seized, and on the shoulders of the people borne with acclamations; a carriage was met with in the street, whence the horses were removed, Jackson placed in it, and hurried to the coffee-house, surrounded by an immense throng, huzzaing, and menacing violently the Judge. At this moment, and under such a state of violent excitement, he manifested *his great disrespect for the laws*, by addressing himself to the people as follows:

"If you entertain the least gratitude for my services, or regard personally for me, you can evince it in no way so satisfactorily as by assenting, as I most cheerfully do, to the decision that has just been pronounced against me. The CIVIL is the PARAMOUNT and supreme authority of the land. I have never pretended to any thing else, nor advocated a different doctrine. I had to depart from its rules, because they were *too feeble for the state of the times*. By resorting to martial law, I succeeded in defending and protecting a country which, without it must have been lost;



yet, under its provisions, *I have oppressed no one*, nor extended them to any other purpose than defence and safety: objects which its declaration was intended, alone, to effect. I feel sensible of your personal regard manifested towards me, and with pleasure remember those high efforts of valor and patriotism, which so essentially contributed to the defence of the country. If recent events have shown you what fearless valor can effect, it is a no less important truth to learn, that submission to the civil authority, is the first duty of a citizen. Imperious circumstances compelled me, either to jeopardize the important interest confided to me, or to take upon myself the responsibility of those measures which have been termed *high handed*; but which were absolutely essential for defence. Thus situated I did not hesitate—I could not! I risked all consequences, and you have seen me meet the penalty of my aggression, and bow with submission to the sentence of the law. If the offence with which I am charged had not been committed, the laws by which I am punished would not have existed. I rejoice in their safety and maintenance, although the first indication of their violated supremacy, has been evinced in the punishment of myself. The order and decorum you have manifested, under circumstances of strong excitement, merits my warmest acknowledgments. I pray you permit that moderation to continue. If you have any regard for me, you will not do otherwise than yield respect to the justice of the country, and to the character of its ministers: that feeling and disposition will I hope always characterize you, and evince on your part as firm a disposition to maintain inviolate and unimpaired the laws of the country, as you have recently shown to defend yourself against invasion and threatened outrage.”

These sentiments, after he had ceased to speak, being by one of his Aids translated into the French language, tranquillity and good order forthwith succeeded.

My object in this communication, (designed for the information of the public,) being rather to preserve, than to weary the patience of any, I shall venture to take as admitted, that the first charge exhibited by Mr. Roberts against General Jackson, to wit: *a want of respect for the laws at New Orleans*, has been fully met, answered, and disproved. His motives for hazarding an assertion so palpably erroneous, belongs not to me to enquire about.

But another objection and one which presses heavily on the mind of Mr. Roberts, is, that Neil Cameron, a soldier in Jackson's division, “was put to death without the form of trial, and his body left unburied, a prey to Vultures.” The evident intention here, was to impress a belief that the general himself was the cause of the deed being done, or else why did Mr. Roberts

offer a mere assertion? Why did he not state by whom it had been done, and the circumstances in relation to it fully and fairly: again is a further evidence afforded of the dread prejudice which infests his mind. And is Andrew Jackson by some new fashioned system of ethics to be held responsible for every thing that happened in his division? Benedict Arnold was a traitor, and secretly practised treason in General Washington's division; and so too, within that same division, was Major Andre arrested and executed as a spy; but did any body, at that period of our history; or has any one since, considered it necessary to hold Washington accountable for those acts; and yet he should be held accountable precisely as Jackson should be for the death of Cameron. But he was not killed in Jackson's division; it is a misstatement on the part of Mr. Roberts, and one which he must have known to be incorrect at the time he made it. Cameron was killed in Florida—within the territory of Spain, and within fifteen miles of Pensacola, on the 16th of September, 1818, three years before it was attached to the United States, and consequently at the time referred to, formed no part of the military division of this country.

Cameron, who was a deserter, was shot by orders of Colonel King. Subsequently King was arrested; and the execution of a soldier, without trial, was one of the charges preferred against him on his trial. He was suspended for five years, and last year died. Pray then who was culpable in this business but Colonel King himself. Jackson was not present—was not in that section of country; and in fact, not nearer to the transaction than Nashville, a distance of four hundred miles. I know of no rule, by which to render one man liable and answerable for the misdeeds of another, when he is absent—ignorant of what is about to be done, and wholly without the means of preventing it. As well might a judge be held responsible for every crime committed in the range of his circuit.

I intend not to enter into any formal discussion of this matter, because it is not necessary. Whether it forms any excuse for Colonel King, that he was in a foreign country and in presence of a force that might speedily have been converted into an active enemy, does not pertain to the present inquiry. That was matter for the court which passed his conduct in review before them. It is enough that he was punished by a competent tribunal. There let it rest. My objection lies in this, that Mr. Roberts has no well founded right to hold General Jackson answerable for the acts of others; and when he seizes hold on such circumstances, to produce against him unfavourable impressions in the public mind, it is but further evidence of the prejudice under which he is labouring. Mr. Roberts was a member of the

Senate in the winter of 1818-19, when all and every thing relating to the Seminole war was discussed and examined in Congress. He well knew the trial of Colonel King took place in 1821, and that subsequently the proceedings of the court were published. With this information before him, he must have known, and did know, that Cameron was shot near to Pensacola in the territory of Florida, and not in Jackson's division, as he has asserted. And even if it had been in his division, he was no more liable for it, than was General Washington for the treason of Arnold; or than a judge would be for the crimes committed in his circuit, whose powers extended merely to the punishing for offences committed, not to the preventing them.

I may be content here to stay any further enquiry, and leave the accuracy of the remaining charges contained in the address of Mr. Roberts, to be determined by what has already been presented. But my design is to show, that every thing he has urged is alike untenable and unfounded. With this view I proceed to a consideration of the other points of attack which stand before the public, under the sanction of his name! Wonderful prejudice! He will leave to Jackson nothing—not even the humble merit of having defended his country; of saving her from pillage and outrage. It was “Mr. Monroe’s extraordinary exertions, with Mr. Madison’s co-operation, that prepared the defensive force for New Orleans, and urged General Jackson to repair there.” Such is the language of Mr. Roberts, such the accusation he prefers.

This truly is a new discovery in the history of our country; and as every author possesses an ambition, that his facts should be accurate, however badly they may be thrown together, it is not unreasonable to ask, that he should direct an uninformed community to the data whence his opinions were formed. They are not in the Department of War, I well know. From Mr. Monroe, they were not obtained; for however efficient his services may have been, during our recent contest, he would not, to benefit himself, pluck a single leaf from that civic wreath, which he well knows Jackson wove for himself, still less for the sake of aiding another, amidst difficulties which he alone had to encounter and subdue. “Render unto Cesar, that which is Cesar’s;” and let Mr. Madison and Mr. Munroe, claim every honour and right that is theirs. I would not sully, or take a single one away; yet to ascribe to either of them any portion of the efforts made at New Orleans, or the means of defence resorted to, is to tender them those things, which they have too much magnanimity to accept. Such was not the language at the close of the war; and truth will not sustain it now. By those two distinguished individuals, nothing then was claimed. The whole country had awarded whatever meed of praise was due to Jackson. If then Mr. Ro-

berts, after a lapse of ten years would change this order of things. something more than assertion must be necessary, and will be required of him.

I have already said, that never was an army composed of more discordant materials, than that which made up the defence of Louisiana ; with the exception of the 7th and 44th regiments, amounting to about 700 men, there were volunteer militia, and drafted militia, black troops, and white troops, Americans, Frenchmen and Spaniards ; Sailors and Landsmen, all mixt together, and constituting the strength of our army. To give direction and efficiency to these—so to arrange this discordant mass, as that it should be blended, and every thing of pride, of feeling, of colour and interest, so happily arranged, that harmony and effect should be attained, was certainly no easy effort, and cannot be ascribed to any who were distant 1000 miles from the place of action. Selecting the most defensible points, and day and night toiling to have them placed in readiness for resistance ; untiring perseverance, and a confidence and severity that inspired with serenity and resolution every bosom, could, likewise, belong not to any who was absent from the scene. So far as merit may be claimed for these things, or that any thing of benefit has resulted from them, it will certainly not be insisted on for those who were far distant from the place where the effect was produced.

I admit that men, arms and money are the sinews of war ; and whenever a general embarks in service, it is expected that these will be furnished by his country. Mr. Roberts' allusion then must be, I presume, that these necessary materials and ingredients were supplied "through the extraordinary exertions and co-operation" of President Madison and Mr. Monroe. Well, suppose this to be just as he would have it, is the credit of the defence the less on that account ? Are the gallant officers of our navy indebted to the Secretary of the navy for their brilliant successes. Hull, in the first naval victory achieved, was on board a frigate built and armed by his government, and well supplied with munitions of war. Such also was the case with Bainbridge and Decatur. Yet the destruction of the *Guerriere*, and the *Java* ; and the subsequent capture of the *Macedonian*, were not ascribed to the "extraordinary exertions and co-operation" of any body. It was yielded, as justly it should have been, to the gallant commanders of our ships. The successful battles of Chippewa and Lundy's lane, and the brilliant defence of Fort Erie, was never charged "to the extraordinary exertions and co-operation" of the President and his Cabinet, although men, money and arms were furnished. If then all these things had been most liberally supplied at New Orleans, by every rule



of right, whatever credit flowed from a successful battle and defence, could belong only to those, who were present and waged it, not to those whose distance from the scene of action was such as that they could not even catch the sound of the battle.

If every thing contained in this charge of Mr. Roberts were true,—were worthy of belief, even to the extent that he would have it to be believed, it in no wise alters the matter, nor detracts from Andrew Jackson any thing of that merit which every where by his country has been conceded to him. But it is not true; and I challenge the records in the war department, to which Mr. Roberts can readily obtain access, to disprove the assertion. Nay, I go further, and say, that every thing of credit and of merit, as well in the preparation for defence, as in the defence itself, belongs exclusively and alone to Jackson, and to those brave officers and men, who contended with him.

As early as August, 1814, directly after the Creek war had been concluded, through the treaty made at Fort Jackson, the Secretary of War was written to, and apprised of the wants under which the general was labouring. He says, “I am destitute of funds, nor can procure them. There is not in the hands of the quarter-master, money sufficient to purchase an express horse, my present means are so limited; with a sickly climate to combat, as well as an enemy, without the means of transportation, to change the position of my army, my whole reliance is on the bravery of my little phalanx. You must afford the means, or I cannot be successful.”

At this period, and to the time of its reduction, Pensacola was truly a British port. Officers of England were seen there drilling and preparing troops for action; and the expedition which made an assault upon Mobile point, had not merely been fitted out from that place, but likewise after its defeat, had returned there. Jackson, foreseeing the danger which threatened Mobile and the contiguous country,—satisfied that Spain through such permission was not merely surrendering her neutrality, but was in fact violating the treaty stipulation of 1795, felt it to be necessary to reduce Pensacola, and only waited for permission to do so. Time after time he wrote, and not merely urged, but implored permission to take possession of a point which threatened to the South Western section of the country so much, and so great danger. At last, when no reply could be procured, when nothing of consent or refusal could be obtained, he determined for himself, and taking possession of the port of Pensacola, dislodged the enemy, and compelled Spain to the maintenance of her neutrality.

This was an important blow for the defence and security of New Orleans, in which Jackson alone had any agency; without it, Florida would have remained a resting point, and rendezvous

to the British. There preparation would have been made, and thence, when all was ready, descents have been projected, too rapidly and well timed, to have been resisted. But the advance made there, brought the enemy to the conclusion, that under cover of the neutrality of Spain nothing further could be concealed, and beside this, it was altogether "too unsafe a place to resort, now that the defence of Fort Barancas had been destroyed: the consequence was, that the British fleet were dependant entirely on other resources, and were driven to seek an anchorage at Cat Island in the gulf, where they reposed during the siege, and where they had nothing to fear, because without the reach of danger from us.

This descent upon Pensacola, which under all the circumstances, was a most important movement in the defence of Orleans, was entirely by the determination of Jackson himself. The men were raised by himself, and money for the quarter master procured through exertions of his friends at Nashville, acting upon his request.

It is true the government were either so tardy in decision, or so fearful of the consequences incident on an offence to Spain, that to the repeated suggestions of Jackson of the necessity of breaking up this resting place of Great Britain, no answer, no permission could be had, although by the course pursued, she had long before evidently forsaken every thing like neutral policy. It remained at last for him to take the step on his own responsibility; and upon his own responsibility to concentrate the means necessary to its effectuation.

About this period it was that Jackson addressed himself pressingly every where to procure for his country the means of defence. In a letter to Mr. Blount, who was at that time Governor of Tennessee, he says, "I shall be very thankful for any volunteers, and in any shape you may be pleased to send them. Our country needs them. I had hoped, and do still hope, to see you stand forth in a patriotic appeal to the citizens of Tennessee, inviting them to the field to save their country from subjugation and ruin. We have too long rested in feeling, unsupported by proper action. By misplaced confidence our capitol has been lost, and we shall not recover the national disgrace, unless energy becomes the order of the day."

The latter part of October he addressed the Governor of Louisiana: "The exposed state of the coast from New Orleans to Pass Huron, and the *precarious situation of my supplies* here caused me great uneasiness, and kept my little force stationary for its protection. I hope shortly to visit you; in the mean time let me reiterate, that vigilance and energy is necessary to defend a country."

To the Secretary of War he says, "The city of New Orleans has addressed me, calling for additional defence: my whole force would not satisfy the demands they make."

Again in another letter he remarks: "I have been using every exertion in my power to have a train of artillery prepared for active service in the field. I find it on examination here (Mobile) not only out of repair, but entirely unfit for service. The carriages from exposure to the weather are entirely decayed, and unable to support the pieces."

He also despatched Colonel Butler, a confidential officer, to Tennessee, to endeavour by every practicable means to prevail on her citizens to take the field and press to his relief. In his letter of instructions to him he employs this language: "I have called on all the militia I am authorized by the government, and I now enclose an appeal to the patriotism of my fellow citizens, and hope to see my former comrades in arms again in the field, bravely defending the eagles of their country. For, believe me, we have to defend not only our territory, but our liberties. From the confidential information I possess, I have no doubt but the whole *coalition* are engaged in a league to subjugate America. I mean to make a desperate struggle."

Let any man of thought and reflection go back to this period of our history, and say if the difficulties of the moment were not such as to have depressed and sunk down any man not gifted with the most extraordinary powers of mind and action. The information confidentially received was, that a large force had embarked from England, destined for the southern coast of the United States. At this moment he was without money, and without arms; without men, and without the munitions of war. Thus situated, he forwarded expresses to Tennessee, where he procured funds from the banks, and whence General Coffee, with his mounted volunteers, hastened to join him. There was no time to be lost. Where the enemy would strike could not be told. Immediately he marched against Pensacola, and having reduced it, returned; placed Mobile in the best defence he could, and departing, arrived at New Orleans, on the 1st day of December.

Jackson was now at the grand point of expected attack. The city guards, a few regular troops, and General Coffee's volunteers, who had followed on from Mobile, constituted that whole "defensive force prepared for New Orleans." The militia from Tennessee had not arrived, and did not arrive until the 22d day of December, one day previous to the landing of the British, and those from Kentucky, reached the city on the 4th of January, just in time for the decisive action of the 8th. The forts were to be repaired, and the negroes of the planters were employed for that purpose. The Bayous and inlets were to be obstructed to

guard against secret approach. No ordnance was at hand, except what could be procured through the officers of the Navy. Guns could not be had to place in the hands of our unarmed troops; and of those which were there, flints to place in them were not at hand. From the pirates at Barataria, through their leader Lafite, whose services Jackson had secured by promise of a pardon made to him, seven thousand had fortunately been procured; and but for this piece of good fortune and accident, instead of the proud pleasure felt for the termination of the battle of the 8th, it would have returned each year to us, a day of sorrow and of mourning.

Such was the state of preparation when Jackson reached the city of New Orleans; and such, indeed, it continued to the termination of the invasion, only so far as his own exertions enabled him to effect an alteration. For the truth of which let his letter to the Secretary of War of the 3d of January, five days before the battle of the 8th, be appealed to. This is its language: "Again I must apprise you, that the arms I have been so long expecting, have not arrived. All we hear of them is, that they are on the river, and that the man who has been entrusted with their transportation, has halted on the way for the purpose of private speculation. Depend upon it, this supineness, this negligence, this criminality let me call it, of which we witness so many instances in the agents of government, must finally lead, if it be not corrected, to the defeat of our armies, and to the disgrace of those who superintend them. It is impossible I should not feel the utmost solicitude, and even uneasiness on the occasion. Every reliance may be placed on the bravery of my men, but without arms it is impossible they can effect much. The Kentucky troops have been delayed by adverse winds, but when they come, not more than a third are armed, and those indifferently. I have none to place in their hands."

In the facts detailed in this letter, there is no mistake. The captain of the boat who undertook to be the carrier of the arms, on reaching New Orleans, after all the danger had subsided, defended his tardiness on the way, by showing the contract he had entered into with the agent of the government, which secured to him the right of tarrying on the road with a view to his own "*private speculation*." And if this, at so critical and dangerous a period, seems too marvellous for belief, a reference to the archives of the War Department will establish its accuracy.

On the 15th of February, after the battle's strife had ended, and only three days before the enemy yielded the contest and retired from our shores, Jackson again addressed the Secretary of War. Speaking of the facility with which the entire British army, after the 8th, might have been captured, and not a man of



them escaped, if arms to place in the hands of the troops had been furnished, he remarks: "I am sensible, however, that we have a thousand times greater cause to rejoice, than to repine. Heaven, to be sure, has interposed most wonderfully in our behalf, and I am filled with gratitude when I look back to what we have escaped; yet I grieve that we did not with more wisdom and more industry, use the means with which she had blessed us. Again and again I must repeat, we have been always too backward with our preparations. When the enemy comes we begin to think of driving him away, and scarcely before."

Here then is that "extraordinary exertion," that state of preparation, of which Mr. Roberts speaks; a preparation so full and so complete, as that nothing remained for General Jackson on his arrival at New Orleans, but to fight. Wonderful accuracy indeed. Truly as it relates to facts, Mr. Roberts would make a most intolerable historian. The common legends of olden time would be better entitled to confidence; but it seems the General was not merely ordered, but was in fact "*urged to repair there.*" The accusation intended to be made, the inference designed to be adduced is, that the importance of the Mississippi had never occurred to him, and that he was planning and arranging the defence of points of infinitely less importance; and was at last found at the city of New Orleans for the reason only, that he was "*urged to repair there.*" I am sorry to have occasion to remark that this is not true either; it is precisely of a piece with the rest of the publication. In support of the assertion made, I refer to, and quote the Secretary's own words, on the day after important information had reached the city of Washington; they are these: "Intelligence was yesterday received from Cuba of the 9th ult. that the British force from that Bay under Admiral Cochrane, had united at Jamaica, with other troops, and had sailed, or were on the point of sailing to make an attack on New Orleans. It is hoped you will have long since taken a suitable position on the river, to afford complete protection to that city. Mobile is comparatively a trifling object with the British government. Your presence at such a point on the river will be of vital importance. It will inspire the inhabitants with confidence, and enervate them with vigorous exertions."

This letter, or order, if Mr. Roberts prefers to call it so, bears date on the 10th of December, 1814, and was forwarded by Dr. Cozens, express from the city, though he never got farther than Nashville in Tennessee. A duplicate was hurried through another express, who got sick on the road, and wrote back to know what he should do with his despatches. It is believed that upon this subject no other order is to be found on file in the War Department: it is asserted that none other order was ever received.

Now it will be borne in mind that General Jackson arrived, and took command at New Orleans on the first day of December; *ergo*, he could not have "been urged to repair there" in consequence of an order which issued twelve hundred miles distance from him, ten days previously. Even before the day that it was written, Jackson through his spies in the South, had obtained intelligence of the views and designs of the enemy; had weakened their intended assault, through the reduction of Pensacola, strengthened Mobile and Fort Bowyer, and reached the point of expected attack. Already had he been at that place, preparing, arranging, and concentrating the resources within his reach, ten days before the letter, or order, was written at Washington; nor could it have reached him until about the time that his decisive battle was fought, and had been gained. It is again clearly manifest then, that Mr. Roberts is wrong; and that General Jackson was not at his post through any order from the President and Secretary of War, which "*urged him to repair there.*" His conduct and acts alone proceeded from himself, the suggestions of his own mind and judgment. His preparations were the effect of his own exertions, and his success the result of that confidence which his firmness and untiring zeal every where inspired.

Two charges remain to be replied to, when I shall have gotten through with the catalogue submitted by Mr. Roberts. It is charged that pending the enquiry before Congress of the Seminole campaign, Jackson appeared at the city of Washington, while it was a subject of discussion and legislative enquiry, and that it was an evidence of want of respect for the public authorities. Wonderful!! most wonderful!!

By the constitution of this country, every individual is secure in his life, liberty and property. He is protected in the privilege of speech, and in the freedom of the press; nor has the right of any, to travel where they please, been before questioned; but agreeably to Mr. Roberts' republican theory, you may not appear at the capitol of the Union where congress sits, or else it is "want of respect to the public authorities." I believe the constitution of every state secures to a party accused, the right of speedy trial, and of being confronted with accusers; yet let congress become the accusing power, a body privileged and unanswerable for any thing they say or do, and then by Mr. Roberts' standard of political ethics, an appearance of the party accused, to defend, and to explain, and to justify to his friends his course, "is want of respect for the public authorities." Apart from any other consideration, this would seem a sufficient answer to the charge preferred. A further answer however will be found in this; that Washington City was within Jackson's division, and that by the rules and usages of the army, he had a right to go

at any time he pleased to any part of that division without the sanction or permission of any one. Besides this, there is one fact, which Mr. Roberts being then a member of Congress cannot have forgotten; that such was the prudence and caution of Jackson—his desire to manifest nothing “of want of respect for the public authorities” that pending the enquiry before congress of this Seminole campaign, he never appeared on the floor of either *House*, where by the rules of both, he had the right and privilege to be. In this course of respectful forbearance, was certainly and clearly manifested, “*an evidence of his respect for the public authorities,*” certainly nothing of disrespect.

The last charge to be adverted to, like all the others that have been noticed, requires some higher authority than the mere assertion of the writer to obtain for it confidence. It is alleged, that “as governor of Florida, men were banished, and subsequently imprisoned *under his good pleasure*, and released by the President.” Here I take the liberty of soliciting the proofs of an assertion so bold. I say there are none. The charge is untrue. Law and right, not “*his good pleasure,*” were the cause.

A treaty had been concluded with Spain; and by virtue of an act of congress, and commission from the President of the United States, General Jackson became governor of Florida; and in July, 1821, took possession of the country. By the 7th article of that treaty it was stipulated as follows: *The officers and troops of His Catholic Majesty, in the territory hereby ceded to the United States, shall be withdrawn, and possession of the places occupied by them, given within six months, &c.*”

It is unnecessary to state to Mr. Roberts, that as an official organ of the government, General Jackson was bound to regard the laws; nor is it necessary to tell him, that by our constitution all treaties become parts of our laws. Unquestionably then, it was the duty of the governor to cause the treaty to be executed, and carried fully into effect. The article referred to, stipulates for two things.

1st. That the officers and troops of Spain should be withdrawn in six months.

2d. That occupied places should be surrendered. A disregard and neglect of either provision was a violation of the stipulations of the treaty which the governor should not have sanctioned.

On the 29th of September, 1821, Jackson as governor of Florida, issued his proclamation requiring three Spanish officers who had remained at Pensacola, and who were included in the provisions of the treaty, to depart the territory. It was their duty to have done so before; and failing to do so, it was Jackson's

to see that the treaty was complied with. But another and stronger reason operated.

In deciding the case of two orphan children, whose rights under the Spanish government had been long refused, and property withheld from them, Jackson sitting as judge, and before whom the trial was pending, had required the original will under which those orphans claimed to be produced. The former governor who took possession of it, and who claimed, to retain it as an official paper, caused the mandate of the court to be disobeyed. Conciliatory steps were resorted to, but these failing, the governor was imprisoned for a contempt, and remained in prison a short time until the will was obtained; after which he was discharged. The Spanish governor having remained in Florida beyond the time, that he should, by the treaty, have retired from the country, could be considered in no other light than any private man. He was amenable to the laws and subject to the rules and orders of the court, as any other citizen of the country. A citizen refusing to deliver a paper under order of a court is guilty of contempt and may be imprisoned; there is no reason why this former governor, then no longer representing the authority of Spain, should have been suffered to claim any higher privilege. The will was obtained, and the property of these orphans thereby secured to them, which under a different course would have been lost.

Soon afterwards a violent and inflammatory publication appeared, assailing Jackson and tending to bring into disrespect the civil authority. It was ascertained to be the labour of three Spanish officers. In this country we understand, that to print and publish with a view to control judicial investigation is wrong; and instances are not wanting where the authors have been severely punished. Some of the most intelligent and reflecting men entertained the opinion, that for this high aggression, those Spanish officers should be sent to prison. Jackson however, who so often has been declared bold to rashness, determined otherwise; and adopting the milder course, required, *as by the treaty they were bound*, that they should betake themselves from the country. His mandate was obeyed. Subsequently two of them returned, when they were arrested by Mr. Walton, then the acting governor, and restricted to their houses on their parole of honour; but not put in prison as is alleged. At this time Jackson was not governor of Florida. He was at Nashville in Tennessee, about 400 miles from Pensacola.

The facts concisely then, in which alone Mr. Roberts can repose for proof of his strong assertion, are these: on the 29th of September, the proclamation issued, requiring those Spanish officers, for a contempt offered to the court, to leave the coun-



try. Subsequently General Jackson retired from Florida to Tennessee, and on the 13th of November, forwarded to the President his resignation of governor of the territory ; leaving Mr. Walton, a worthy and competent man, the acting governor. Between the 1st and 7th of January those Spanish officers returned, when by Mr. Walton they were required upon honour to remain in their houses, until further advices could be received ; and there they did remain until the President directed them to be discharged. Yet, says Mr. Roberts "they were banished, and subsequently imprisoned at his good pleasure."

As it regards the attempt of Mr. Roberts to excite the citizens of Kentucky, I feel confident they will neither applaud nor thank him. The subject he has selected is a family matter of their own, and he greatly errs in knowledge of her people, if he supposes they have any use for him as an auxiliary and helper in their affairs. The retreat which took place on the left bank of the river, is well understood to have been communicated to the commanding general by those who were present ; and upon that information the report was made to the secretary of war. A court was subsequently organized, excused the retreat of the troops, on the ground that they were enfeebled greatly by their position, and by the weak condition of the line behind which they acted. On this ground the decision of the court placed the matter : the proceedings were approved by General Jackson, and there history has also placed it. He has in all his general orders spoken of the troops of Kentucky, in the way that the country at large has spoken of them, as a brave and high minded people. Mr. Roberts though in the hope of exciting prejudice, finds it convenient to travel by all that can be found on this subject, and to take for his text, the words "ingloriously fled."

Already has more been said, than was designed at the commencement of this address. If any shall peruse the remarks submitted, they will have cause greatly to wonder how it was, that Mr. Roberts could plunge himself into so many and so various errors : and be more surprised too that he should act so inconsiderately as to give his name to the assertions he has offered. Should his future course be, to become again an instructor to the public, care and caution should prompt him, at least to be accurate and particular in his facts, to be controlled by reason, not by prejudice. With your pardon for the trouble afforded to you,

I am respectfully,

JOHN H. EATON.

Franklin, Tenn. Aug. 30, 1826.





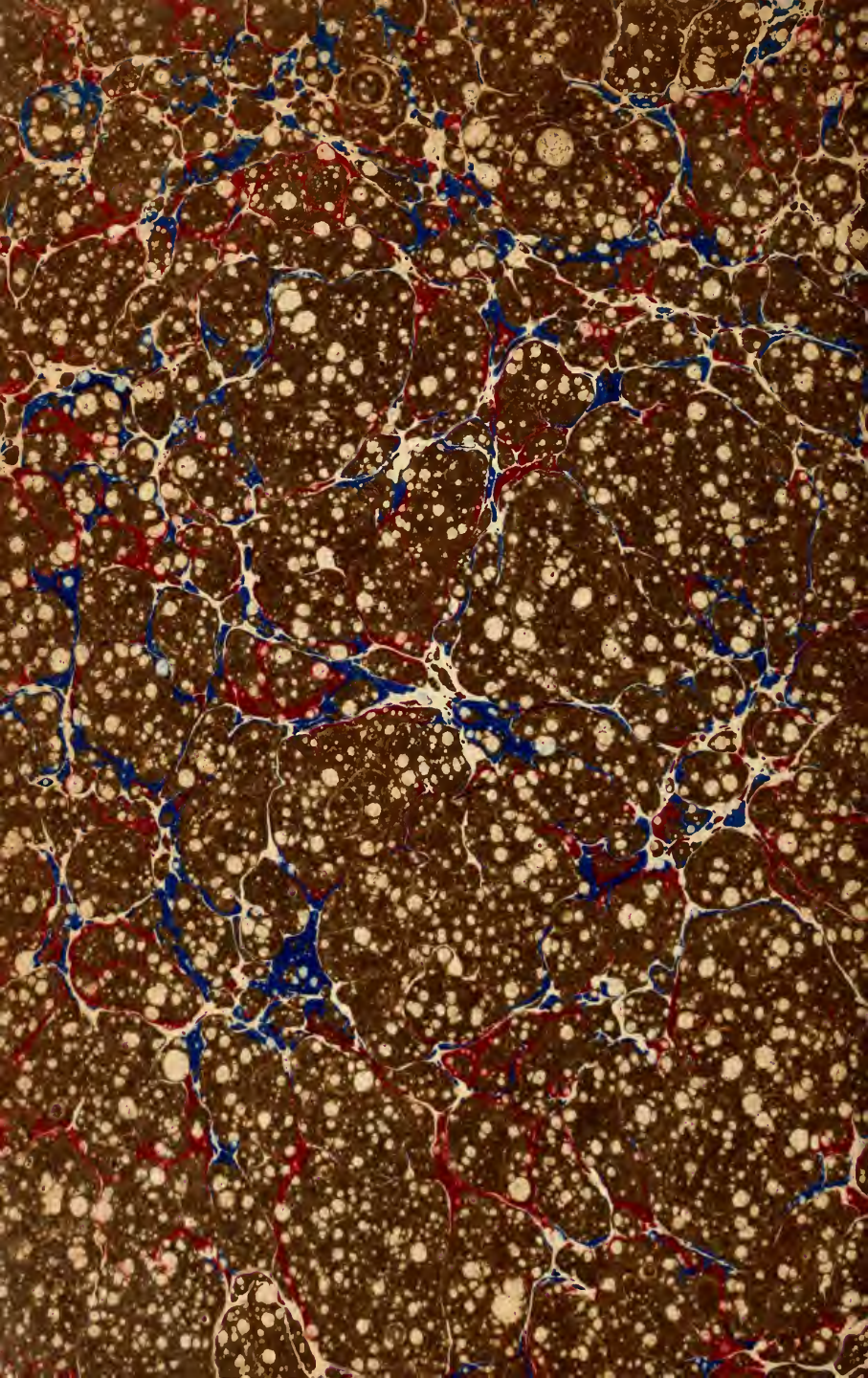




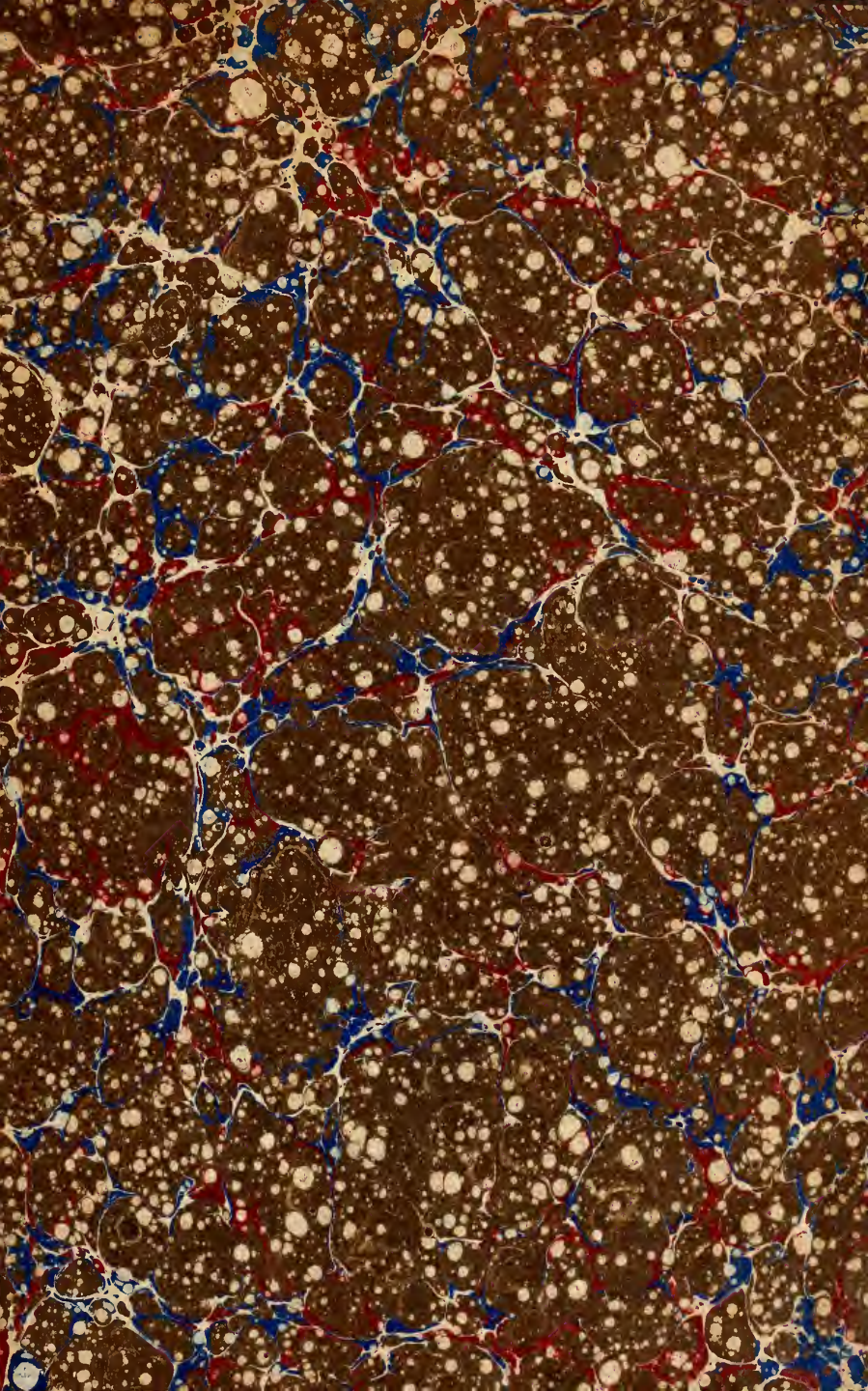












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